

In The United States District Court
For The District of Delaware

Joseph LAWRENCE CURRY

PLAINTIFF

V

Gregory Hopkins

DEFENDANT

CIVIL ACTION NO. 04-175-KAJ

FILED

MAY 31 2005

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

MOTION : To EXPEDITE SANCTION UNDER RULE 37d

There is a COMPLETE FAILURE BY THE DEFENDANT AND THE DEFENDANTS ATTORNEY TO ANSWER AND PRODUCE DISCOVERY TO THE PLAINTIFF. SPECIFICALLY THE INTERROGATORIES THAT WAS SUBMITTED TO THE DEFENDANTS AND THE COURTS ON 10-25-04. The DOCKET SHEET FOR CIV FED CASE 04-175-KAJ SHOWS THAT THE INTERROGATORIES WERE PROOUNDED. I THE PLAINTIFF HAS TRIED NUMEROUS TIMES TO RECEIVE DOCUMENTS AND THINGS SPECIFICALLY INTERROGATORIES BY ASKING AT TELECONFERENCE OF 11-16-04 THEN IN WRITING ON 11-26-04 SUBMITTED REQUEST TO RECEIVE ANSWERS TO THE DEFENDANTS AND COPY TO THE COURT. THEN I ASKED AGAIN ON MAY-05-05 WHEN I FULLY PARTICIPATED GIVING DEPOSITION FOR THE DEFENDANTS ATTORNEY THE ANSWER FROM MR GRIFFITH WAS "OH IM SORRY I THOUGHT I SENT THOSE I SEND THEM OVERNIGHT MAIL." THAT DID NOT HAPPEN. ON 5-17-05 HONORABLE KENT A JORDAN GAVE A DIRECT CLEAR ORDER TO THE DEFENDANTS TO ANSWER ALL INTERROGATORIES AND SEND THEM TO THE PLAINTIFF!! THAT DID NOT HAPPEN. IT NOW MAKES 7 MONTHS THAT I THE PLAINTIFF DID NOT RECEIVE DOCUMENTS THAT WERE NEEDED TO RESEARCH AND PREPAIR FOR TRIAL I HAVE EXHAUSTED ALL REMEDIES BEFORE ASKING THE COURTS TO RESPOND AND ACT ON THIS ISSUE!! I FEEL AS THOUGH NOT ONLY IS THERE CASE DAMAGE FOR TRIAL; BUT MISCONDUCT FOR INTENTIONAL WRONG DOING HIDING DISCOVERY. I Joseph L. CURRY THE PLAINTIFF RESPECTFULLY MOVES THE COURT TO ACT WITH NO FURTHER DELAY ~~UNDER~~ UNDER RULE 37d PAGE 194 OF THE CIV FED RULE OF PROCEDURE TO SANCTION THE DEFENDANTS WITH THE COURTS DISCRETION. AWARD TO THE PLAINTIFF MR Joseph L. CURRY

5-25-05

Joseph L. Curry

Certificate of Service

I, Joseph L. Curry, hereby certify that I have served a true and correct cop(ies) of the attached: MOTION To EXPeDite SANCTION UNDER RULE 37d upon the following parties/person (s):

TO: DANIEL A. GRIFFITH
1220 N. MARKET ST 5TH FLOOR
MARSHALL, DENNETT, WARNER
COLEMAN AND GOGGIN
P.O. Box 8888 WILMINGTON,
DE 19899-8888

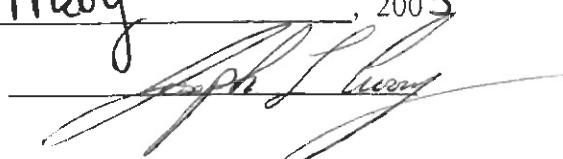
TO: William W. Pepper
Schmittinger and Rodriguez
P.A.] 414 S. State Street
P.O. Box 497 Dover
Delaware 19903

TO: _____

TO: _____

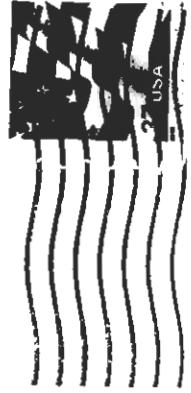
BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 26th day of May, 2005



INM Joseph L. Curry
BI# 223-105 UNIT C-11 PRETRIAL
DELAWARE CORRECTIONAL CENTER
181 PADDOCK ROAD
MYRNA, DELAWARE 19977

Attn Peter T. Daleo
Office of The CLERK
UNITED STATES DISTRICT COURT
844 N. KING STREET, Lockbox 18
WILMINGTON, DELAWARE
U.S.M.S.
X-RAY
19801-3510



19801-3510 *Indicates a held mail item*